

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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WILLIAM S.,

Plaintiff,

3:23-CV-1295  
(GTS/DJS)

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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APPEARANCES:

OF COUNSEL:

OLINSKY LAW GROUP  
Counsel for Plaintiff  
250 South Clinton Street, Suite 210  
Syracuse, New York 13202

HOWARD D. OLINSKY, ESQ.

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF GENERAL COUNSEL  
Counsel for Defendant  
6401 Security Boulevard  
Baltimore, Maryland 21235

KATHRYN POLLOCK, ESQ.

GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

The above-captioned matter comes to this Court following a Report-Recommendation by United States Magistrate Judge Daniel J. Stewart, filed on October 22, 2024, recommending that (1) Defendant's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) Defendant's decision denying disability benefits be reversed, and (4) the case be remanded to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 23.) Objections to the Report-Recommendation have not

been filed, and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing all of the papers herein, including Magistrate Judge Stewart's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:<sup>1</sup> Magistrate Judge Stewart employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 23.) As a result, the Report-Recommendation is accepted and adopted in its entirety: Plaintiff's motion for judgment on the pleadings is granted, Defendant's motion for judgment on the pleadings is denied, Defendant's decision is vacated, and this matter is remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 23) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendant's motion for judgment on the pleadings (Dkt. No. 19) is **DENIED**; and it is further

**ORDERED** that Plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is **GRANTED**; and it is further

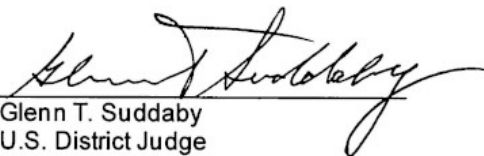
**ORDERED** that Defendant's decision denying disability benefits is **REVERSED**; and it is further

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

**ORDERED** that this matter is **REMANDED** to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: January 31, 2025  
Syracuse, New York

  
Glenn T. Suddaby  
U.S. District Judge